

**FILED**

Case 1:08-cv-02142

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Filed 07/25/2008

**MJC**

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**JULY 25, 2008**

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**RECEIVED**

MAY 8 2008 *new*  
May 8 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

SHAUN W. MATHELY

(Enter above the full name  
of the plaintiff or plaintiffs in  
this action)

vs.

Case No: 08 CV 2142  
(To be supplied by the Clerk of this Court)

WARDEN: MICHAEL F. O'LEARY

(Enter above the full name of ALL  
defendants in this action. Do not  
use "et al.")

CHECK ONE ONLY:

AMENDED COMPLAINT

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983  
U.S. Code (state, county, or municipal defendants) *FOR VIOLATION OF INMATE'S*  
*EIGHT AMENDED MEINT RIGHT UNDER CRUEL AND UNUSUAL PUNISHMENT*  
COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE  
28 SECTION 1331 U.S. Code (federal defendants)

☐ OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR  
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

**I. Plaintiff(s):**

- A. Name: SHAUN W. MATHENY
- B. List all aliases: \_\_\_\_\_
- C. Prisoner identification number: 2008-0001791
- D. Place of present confinement: Will County Adult Detention Facility
- E. Address: 955 S. Chicago ST. Joliet IL 60436

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

**II. Defendant(s):**

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: MICHAEL F. O'LEARY
- Title: WARDEN
- Place of Employment: Will County Adult Detention Facility
- B. Defendant: \_\_\_\_\_
- Title: \_\_\_\_\_
- Place of Employment: \_\_\_\_\_
- C. Defendant: \_\_\_\_\_
- Title: \_\_\_\_\_
- Place of Employment: \_\_\_\_\_

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: MATHENLY V. TINSLEY  
ET AL DEFENDANTS - 03-1073
- B. Approximate date of filing lawsuit: APRIL 5th, 2003
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: SHAUN W. MATHENLY
- D. List all defendants: % TINSLEY ET AL DEFENDANTS
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): UNITED STATES COURT- CENTRAL DISTRICT OF ILLINOIS.
- F. Name of judge to whom case was assigned: HAROLD A. BAKER
- G. Basic claim made: VIOLATION OF INMATE'S FIGHT  
AMENDMENT RIGHTS UNDER CRUEL AND UNUSUAL  
PUNISHMENT FOR EXCESSIVE USE OF FORCE.
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): CASE WAS VOLUNTARILY DISMISSED  
BY PLAINTIFF
- I. Approximate date of disposition: UNKNOWN

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

**IV. Statement of Claim:**

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

COUNT I. UNSANITARY CONDITIONS OF CONFINEMENT.

On May 7th 2007, defendant O'leary had plaintiff Matheny placed inside a disease infected "cells" cell knowing which at the time, had previously had a M.R.S.A - methicillin - Resistant Staphylococcus Aureus positive inmate housed inside. The defendant O'leary did not have that cell Biohazardly or in any way sanitarily cleaned before he had plaintiff placed inside. Before entry into the cell I, Shawn Matheny noticed body fluids - urine, human feces and human blood smeared on the cell's toilet, sink, bedframe, floors, walls and food chuckhole which is located on the cell's door in which my food was passed threw to me.

COUNT II: DENIAL OF CLEANING SUPPLIES

AND INJURIES SUFFERED THERE OF: UPON entry into the cell, I requested that the cell be cleaned. Since defendant, O'leary is

Warden of the facility, his word was lost. Defendant O'Leary denied me cleaning Supplies or my requests to have the unsanitary cell properly cleaned or cleaned at all during the dates of May 7th 2007 to May 15th 2007. During this time, I was housed naked, refused any and all requests to have the unsanitary cell cleaned or me be allowed to clean the cell and all officers were instructed not to disobey the defendant warden O'Leary's wishes, which was not to have the cell plaintiff was housed in to be cleaned or fulfill any of my requests to have the cell cleaned. As a result of such cruelty by the defendant toward I, The plaintiff, I was exposed and Contracted M.R.SA-methicillin-Resistant Staphylococcus Aureus. I was then moved to cell 3 for one day on May 15th 2007 and then was placed inside an isolation Cell, Cell 13 until the medical doctor was satisfied that my Contagious injury was no longer a threat to general population.

**V. Relief:**

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

as a result of the defendant's cruelty. I have suffered an injury which there is no sure cure for and the disease damaged my face and scarred me permanently. I am requesting one million dollars U.S.A. currency from the defendant for punitive damages and for redress of injuries as a result suffered by plaintiff.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

**CERTIFICATION**

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 1st day of may, 2008

Shawn W. Matheny  
(Signature of plaintiff or plaintiffs)

Shawn W. Matheny  
(Print name)

2008-0001791  
(I.D. Number)

Will County adult detention facility  
95. S. Chicago St. Joliet IL 60436  
(Address)

CERTIFICATE OF SERVICE

I, Shawn W. Matheny, certify that I have mailed 4 copies of an Amended Complaint and one of each motions of a motion for appointment of Counsel and Informa Papers as well as an including Motion signed to be filed with the clerk of the U.S. Court. In Support:

TO: United States  
District Court  
Northern District  
of ILLINOIS  
219. Dearborn ST  
Chicago IL 60609

From: Shawn Matheny  
ID# 2008-0001791  
Will County Adult Detention  
Facility  
95 S. Chicago ST  
Joliet IL 60436

TO be placed in the U.S. mail on this 1st day of May, 2008.

I Declare Under Penalty of Perjury  
That I have mailed as said in the form  
of approx: four separate U.S. envelopes on May 1st 2008.  
Shawn W  
Matheny